2164

SN 10/023,583   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steve Grove et al.	Examiner: Siegfried Chencinski	
Serial No.:	10/023,583	Group Art Unit: 2164	
Filed:	December 14, 2001	Docket: 2043.052US1	
Title:	METHOD AND SYSTEM AUTOMATICALLY TO SUPPORT MULTIPLE TRANSACTION TYPES, AND TO DISPLAY SELLER-SPECIFIC TRANSACTIONS OF VARIOUS TRANSACTION TYPES IN AN INTEGRATED, COMMINGLED LISTING		

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby petition the Commissioner to advance the above-identified Application out of turn for accelerated examination under the provisions of 37 C.F.R. § 1.102(d).

The Application meets the requirements of M.P.E.P. § 708.02, section VIII. The Application is a new application, not yet having received any examination. Applicants believe that all of the claims are directed to a single invention; however, if the Office shall determine that they do not obviously encompass only a single invention, Applicants agree to make a telephone election without traverse. An enclosed Statement avers that a pre-examination search has been carried out, lists the field of the search, and discusses the relevant references, pointing out how the claimed subject matter is patentable over these references with the particularity required by 37 C.F.R. 1.111(b) and (c).

Please charge Deposit Account No. 19-0743 for the petition fee of $130.00 as set forth in § 1.17(h), which is required pursuant to 37 C.F.R. § 1.102(d).

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE ET AL.
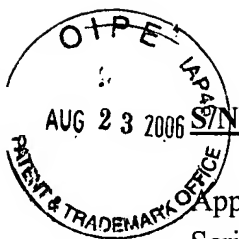
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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(612) 371-2132

Date ___AUGUST 21/2006___   By ___Robert Madden___

Robert Madden
Reg. No. 57,521

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of August 2006.

___Peter Rebuffoni___
Name

___[signature]___
Signature

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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully submit the following statement in support of the accompanying

Petition to Make Special Under 37 C.F.R. § 1.102(d).

Please charge Deposit Account No. 19-0743 for the petition fee of $130.00 as set forth in

§ 1.17(h), which is required pursuant to 37 C.F.R. § 1.102(d).

CLAIMS

All claims in this application are directed to a single invention.

If the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status.

SEARCH

The references listed below were included in the International Search Report (ISR) completed 12 July 2002 and relating to PCT application PCT/US02/04600. The PCT application PCT/US02/04600 states that the PCT application is related to and claims the priority benefit of U.S. Provisional Application No. 60/297,665 filed June 11, 2001 and U.S. Patent Application No. 10/023,583, filed December 14, 2001. U.S. Patent Application 10/023,583 is the application which is the subject of this petition.

A copy of the International Search Report (ISR), issued by the ISA, is attached hereto for the Examiner's convenience. A copy of the ISR, along with the references cited therein, was previously submitted in an Information Disclosure Statement (IDS) filed with the U.S. Patent Office on November 18, 2002.

COPIES OF REFERENCES

The following documents have previously been made of record in this application:

1. U.S. 2001/0021924 A1 (Ohno), September 13, 2001, filed March 6, 2001.

2. U.S. 2002/0026369 A1 (Miller et al.), February 28, 2002, filed February 14, 2001.

3. U.S. 2002/0082932 A1 (Chinnappan, et al.), June 27, 2002, filed December 22, 2000.

4. U.S. 6,058,417 (Hess, et al.), May 2, 2000.

5. U.S. 6,415,320 B1 (Hess, et al.), July 2, 2002, filed April 4, 2000.

6. Edeal Auctions - InterActive classifieds - retrieved from the Internet July 12, 2002.

7. Auctionweiser - InterShopZone - retrieved from the Internet July 12, 2002.

Of these references, the following were patented after the date one year prior to Applicants' provisional application priority date of June 11, 2001. Applicants respectfully submit that the present claims are patentably distinguishable over these references and reserves the right to swear behind them at a later date.

U.S. 2001/0021924 A1 (Ohno), September 13, 2001, filed March 6, 2001.

U.S. 2002/0026369 A1 (Miller et al.), February 28, 2002, filed February 14, 2001.

U.S. 2002/0082932 A1 (Chinnappan, et al.), June 27, 2002, filed December 22, 2000.

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DETAILED DISCUSSION OF THE REFERENCES

The International Search Report (ISR) considers the above-listed references to be of particular relevance. Following a detailed study, Applicants submit that the references, whether taken alone or in combination, do not teach or suggest the claims in the present application.

Independent claims 1, 18, and 35.

Claims 1, 18, and 35 read as follows:

1.   A method to facilitate a transaction by a network-based transaction facility, the method including:

receiving a request from a buyer accessing the network -based transaction facility to view offerings that are offered for sale via the network-based transaction facility ;

responsive to the request, retrieving information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type;

integrating information concerning the first and second offerings into a commingled list; and

causing the display of the commingled list to the buyer.

18.   A system to facilitate a transaction by a network-based transaction facility, the system comprising:

a transaction engine to receive a request from a buyer accessing the network based transaction facility to view offerings that are offered for sale via the network-based transaction facility;

the transaction engine in response to the request, to retrieve information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type;

the transaction engine to integrate information concerning the first and second offerings

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into a commingled list; and

a display engine to display the commingled list to the buyer.

35.   A computer readable medium storing a sequence of instructions that, when executed by a

machine, cause the machine to:

receive a request from a buyer accessing the network based transaction facility to view

offerings that are offered for sale via the network-based transaction facility;

retrieve information concerning a plurality of offerings, wherein the plurality of offerings

include a first offering of a first transaction type and a second offering of a second transaction

type;

integrate information concerning the first and second offerings into a commingled list;

and

display engine to display the commingled list to the buyer.

References

U.S. 2001/0021924 A1

ELECTRONIC COMMERCE SYSTEM, ELECTRONIC COMMERCE METHOD, STORAGE MEDIA STORING ELECTRONIC, COMMERCE PROGRAM AND ELECTRONIC COMMERCE PROGRAM

This reference describes an electronic commerce system that is provided with a purchaser

client used by a purchaser who wants to buy a commodity via the network; a seller client used by

a seller who sells the commodity via the network; a commodity information providing server for

storing commodity information including a commodity name and a commodity price of the

commodity at least and for providing the commodity information which is stored to the

purchaser client in response to a request from the purchaser client in the network; and a

commercial transaction support server for relating to the commodity information providing

server and for supporting a commercial transaction process between the purchaser client and the

seller client via the network.

U.S. 2002/0026369 A1

SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR MATCHING PRODUCTS TO A TEXTUAL REQUEST FOR PRODUCT INFORMATION

This reference describes a system, method, and article of manufacture that are provided for matching products to a textual request. Upon receiving a request for information about an item, the request is parsed to determine attributes of the item. A search of a database is performed for selecting a plurality of products each having the attributes of the item. Information about the products is retrieved and output.

U.S. 2002/0082932 A1

SYSTEM AND METHOD FOR FACILITATING ELECTRONIC COMMERCE TRANSACTIONS

This reference describes a global content directory (42) includes a directory structure (44) that includes a plurality of product classes organized in a hierarchy. Each product class categorizes a plurality of products and defines one or more attributes of the products categorized in the product class. The directory (42) also includes one or more pointers that are associated with each product class. Each pointer identifies a seller database (32) in which product data enabling a product transaction is stored for products that are associated with the product class. The directory (42) also includes a search interface (45) that communicates, in response to a selection of a product class by a user (20) of the global content directory (42), a search query for product data to one or more seller databases (32) identified by the one or more pointers associated with the selected product class.

U.S. 6,058,417

INFORMATION PRESENTATION AND MANAGEMENT IN AN ONLINE TRADING ENVIRONMENT

This reference describes a method and apparatus for information presentation and management in an online trading environment are provided. According to one aspect of the present invention, person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the

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items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. According to another aspect of the present invention, a user may submit a query to preview items for sale. After receiving the query, thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image.

U.S. 6,415,320 B1

INFORMATION PRESENTATION AND MANAGEMENT IN AN ONLINE TRADING ENVIRONMENT

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Edeal Auctions - InterActive classified.
[Retrieved from the Internet on 2002-07-12 <http://finditseak.at.edeal.com/>]
Copyright 1998 1998-2002 edeal Services Corp.

This webpage displays a list of "Categories" such as "Antiques," "Art," and "Beanies Plush." In addition , the webpage displays a "Featured Listing" of items, wherein the "Featured Listings" includes columns with the titles "Type," "Listing #," "Title," "Price," "Bids," and "Time Left."

Auctionweiser - InterShopZone - The Online Interactive Marketplace.
[Retrieved from the Internet on 2002-07-12 <http://www.auctionweiser.com/auction/index.asp>]

Copyright 1999.

This webpage appear to display a list titled "Marketplace" with such subtitles as "Books & Magazines," "Clothing & Accessories," and "Collectibles." In addition, the webpage displays a list of "Showcase Auctions" including columns with the titles "Item" and "Current Bid."

Reasons for Patentability

Applicants respectfully submits that the independent claims 1, 18, and 35 are allowable because claims 1, 18, and 35 are not anticipated under 35 U.S.C. § 102 in view of the references discussed above for at least the reason that each of the references fail to teach or suggest all of the elements included in claims 1, 18, and 35. Applicants further submit that independent claims 1, 18, and 35 are not obvious under 35 U.S.C. § 103 in view of these references discussed above for at least the reason that the references, either alone or in combination, fail to teach or suggest all of the elements included in claims 1, 18, and 35.

For example with respect to claim 1, the references fail to teach, among other things, "responsive to the request, retrieving information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type; integrating information concerning the first and second offerings into a commingled list; and causing the display of the commingled list to the buyer," as recited in claim 1.

Further, with respect to claim 18, the references fail to teach, among other things, "the transaction engine in response to the request, to retrieve information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type; the transaction engine to integrate information concerning the first and second offerings into a commingled list; and a display engine to display the commingled list to the buyer," as recited in claim 18.

With respect to claim 35, the references fail to teach, among other things, "retrieve information concerning a plurality of offerings, wherein the plurality of offerings include a first offering of a first transaction type and a second offering of a second transaction type; integrate information concerning the first and second offerings into a commingled list; and display engine

to display the commingled list to the buyer," as recited in claim 35.

Thus, for at least these reasons, Applicants respectfully submit that independent claims 1, 18, and 35 are not anticipated under 35 U.S.C. § 102 because the references fail to teach each and every element included in these claims. Further, claims 1, 18, and 35 are not obvious under 35 U.S.C. § 103 because the references, even if combined, still fail to teach or suggest each and every element included in these claims. As each dependent claim is deemed to include all the elements of the independent claim from which it depends, it follows that dependent claims 2-17 and 19-34 are not anticipated and are not obvious in view of the above listed references. Therefore, dependent claims 2-17 and 19-34 are also allowable.

In view of the above remarks, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE ET AL.

By their Representatives,

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Date ___AUGUST 21/2006___ By ___*Robert Madden*___

Robert Madden
Reg. No. 57,521

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___Peter Rebuffoni___
Name

___Peter Rebuffoni___
Signature